

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

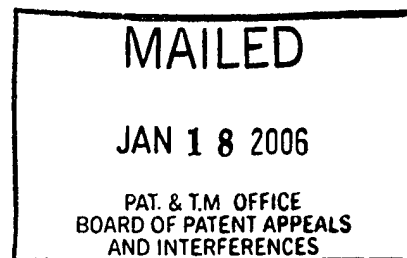
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEPHEN C. MURPHY

Appeal No. 2006-0394
Application 09/069,728

ON BRIEF



Before THOMAS, GROSS, and NAPPI, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellant has appealed to the Board from the Examiner's final rejection of claims 12 through 21 and 26 through 35.

Representative claim 12 is reproduced below:

12. A method for entering data into a computer, comprising:

affixing an electrical cord to a work surface, the electrical cord connecting a peripheral input device to the computer;

moving the peripheral input device; and

Appeal No. 2006-0394
Application 09/069,728

between the peripheral input device and the computer, winding up the electrical cord to retract slack in the electrical cord as the peripheral input device is moved.

The following references are relied on by the examiner:

Graybill	5,669,571	Sept. 23, 1997
Lundberg	5,844,775	Dec. 1, 1998
		(Filed Jul. 25, 1996)

Claims 12, 15 through 17, 20, 21, 26, 27, 34 and 35 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Graybill. Lastly, claims 13, 14, 18, 19 and 28 through 33 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Graybill in view of Lundberg.

Rather than repeat the positions of the appellant and the examiner, reference is made to the brief (no reply brief has been filed) for the appellant's positions, and to the answer for the examiner's positions.

OPINION

Based upon the examiner's extensive positions set forth in the answer, we sustain the rejection of the above-noted claims under 35 U.S.C. § 102. Because appellant has respectively grouped the claims on appeal in accordance with the three independent claims 12, 17, and 26 within the first stated rejection under 35 U.S.C. § 102 as noted beginning at page 9 of the brief, and because no arguments are presented to the second stated rejection of the claims under 35 U.S.C. § 103, we sustain

the rejection of them as well. We add the following to round out the examiner's analysis.

As set forth at pages 9 and 10 of the brief on appeal, the principal argument as to independent claims 12 and 17 on appeal relates to the view that Graybill does not teach the affixing of an electrical cord to a work surface in independent claim 12 and the anchoring of the electrical cord to a work surface as set forth in independent claim 17. We agree with the examiner's analysis of the teachings of Graybill in the view taken by the examiner that this affixing and anchoring feature is inherent within the cord organizer 5 being effectively anchored or fixed to the work area table 202 in Figure 3 by its own weight. Pages 6 through 8 of the answer well document the examiner's views as to the bases of this interpretation of Graybill when taken in the context of the examiner-noted portion of the specification which indicates that the manner in which the anchor 16 is affixed to the desktop 20 as disclosed is not material to the invention.

We also agree with the examiner's views based on the teachings and suggestions in Graybill as well. Within the portions at columns 3 and 4 that the examiner relies upon to substantiate unpatentability within 35 U.S.C. § 102, we note the teaching at column 3, lines 42 through 45 and the corresponding teaching at column 4, lines 19 through 25, as well

as the corresponding showing in Figure 3, that there is sufficient weight of the assembly of the electrical cord storage and dispensing organizers, element 5, when connected together to clearly affix or otherwise anchor the assembly to the work surface 202 in that figure. As well explained by the examiner in the Remarks portion of the answer, the actual claimed cord is affixed to the work surface 202 in Figure 3 of Graybill through the respective element 5 in Figure 3 in a corresponding manner that is shown in appellant's disclosed embodiments.

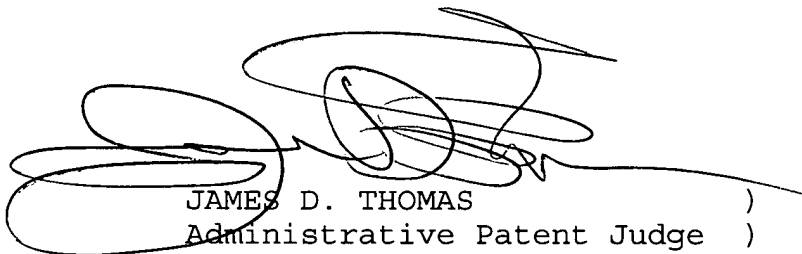
An element by definition is anchored (or otherwise affixed) by its weight. Additionally, as noted in the last sentence of the abstract, Graybill also indicates that the user may simply pull slightly on the cord wind up within the element 5 thus releasing the tension of the lock bottom and retracting only the desired amount of the cord. Thus, to perform this function each element 5 must necessarily be anchored or otherwise affixed by its weight to permit the user to perform this stated function. Lastly, we note that the teachings of the structure of element 5 within Figures 1 and 2 of Graybill clearly illustrate the ability to windup the electrical cord and to retract slack associated with its use (all claims on appeal). The fixed length feature of broadest independent claim 26 is shown in figure 3 of Graybill.

Appeal No. 2006-0394
Application 09/069,728

In view of the foregoing, the decision of the examiner rejecting various claims under 35 U.S.C. § 102 and 35 U.S.C. § 103 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED


JAMES D. THOMAS
Administrative Patent Judge


ANITA PELLMAN GROSS
Administrative Patent Judge


ROBERT E. NAPPI
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

JDT:pgc